

REMARKS

This Response is submitted in reply to the non-final Office Action mailed on December 20, 2007. No fee is due in connection with this Response. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-434 on the account statement.

Claims 1-10 and 12-21 are pending in this application. Claim 11 was previously cancelled. In the Office Action, Claims 1, 2, 4-6, 8, 13, 16, 18 and 19 are rejected under 35 U.S.C. §102, and Claims 3, 7, 9, 10, 12, 14, 15, 17, 20 and 21 are rejected under 35 U.S.C. §103. In response, Claims 1, 6, 7, 9, 10 and 18-21 have been amended and Claim 22 has been added. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

In the Office Action, Claims 1, 2, 4-6, 8, 13, 16, 18 and 19 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 7,032,001 to Herrod et al. ("*Herrod*"). Applicants respectfully traverse this rejection for at least the reasons set forth below.

Independent Claim 1 has been amended to recite, in part, wherein the position level context is calculated from a comparison between a plurality of electric field intensities. Independent Claim 6 has been similarly amended. The amendment is fully supported in the specification, for example, at page 38, line 27 to page 39, line 7. For example, in determining a position of convenience, a distance of convenience can be calculated according to a similarity calculation made between one pair of and another pair of base station ID and electric field intensity, as further defined in dependent Claims 18-22. See, specification, page 39, lines 8-15. A similarity determining algorithm can be used to calculate the similarity among electric field intensities. See, specification, page 39, lines 13-18. In this regard, location can be computed with electric field intensities and without either a direct relation between the base station ID and the latitude and longitude or absolute position information. See, specification, page 39, lines 1-7. In contrast, Applicants respectfully submit that *Herrod* fails to disclose or suggest every element of independent Claims 1 and 6 as amended.

Herrod fails to disclose or suggest position level context or location data calculated from a comparison between a plurality of electric field intensities, as required, in part, by independent Claims 1 and 6 as amended. In fact, *Herrod* is silent with respect to recognizing location using electric field intensities. Instead, *Herrod* is drawn to transmitting information from a mobile device over the internet using RF transmission. See, *Herrod*, col. 8, lines 20-24. Mere RF transmission as taught in *Herrod* does not involve a comparison between electric field intensities as currently claimed. Such comparison requires measuring the intensities of multiple electric fields. For at least this reason, Applicants respectfully submit that independent Claims 1 and 6 amended and Claims 2, 4, 5, 8, 13, 16, 18 and 19 that depend therefrom are novel, nonobvious and distinguishable from *Herrod*.

Accordingly, Applicants respectfully request that the anticipation rejection with respect to Claims 1, 2, 4-6, 8, 13, 16, 18 and 19 be reconsidered and the rejection be withdrawn.

In the Office Action, Claims 3, 7, 9, 10, 12, 14, 15, 17, 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Herrod*. Applicants believe this rejection is improper and respectfully traverse it for at least the reasons set forth below.

Independent Claims 7, 9 and 10 have been similarly amended to Claims 1 and 6 as discussed above. Applicants respectfully submit that the patentability of independent Claims 1 and 6 as previously discussed renders moot the obviousness rejection of independent Claims 7, 9 and 10 for at least the same reasons as set forth above, and renders moot the obviousness rejection of Claims 12, 14, 15, 17, 20 and 21 that depend from such patentable independent claims. In this regard, the cited art fails to teach or suggest all of the elements of Claims 3, 7, 12, 14, 15, 17, 20 and 21 in combination with the novel elements of independent Claims 1, 6, 7, 9 and 10 as amended.

Accordingly, Applicants respectfully request that the obviousness rejection with respect to Claims 3, 7, 9, 10, 12, 14, 15, 17, 20 and 21 be reconsidered and the rejection be withdrawn.

Applicants further note that Claim 22 has been newly added. Claim 22 substantially corresponds to previously presented Claims 18-21. In this regard, this amendment is fully supported in the specification. Applicants respectfully submit that the subject matter as defined in the newly added claims is patentable over the cited art of record for at least the same reasons as discussed above, and for the additional patentable elements recited therein.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY



Thomas C. Basso

Reg. No. 46,541

Cust. No. 29175

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